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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No. ITL.0391US

In re Application Of: **CLAUDE M. LEGLISE and THOMAS C. MILLER**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/584,520	MAY 31, 2000	Y. RETTA	21906	3622	1973

Invention:

REMOTELY MANAGING AND CONTROLLING A CONSUMER APPLIANCE

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **MAY 18, 2004.**

The fee for filing this Appeal Brief is: **$330.00**

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☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

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Signature

Dated: **June 22, 2004**

Timothy N. Trop
Registration No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
713/468-8880 [Phone]
713/468-8883 [Facsimile]

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Rebecca R. Ginn

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Claude M. Leglise et al.	Art Unit:	3622
Serial No.:	09/584,520	Examiner:	Y. Retta
Filed:	May 31, 2000		
For:	Remotely Managing and Controlling a Consumer Appliance	Docket:	ITL.0391US P8805

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicants respectfully appeal from the final rejection mailed February 19, 2004.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

Claims 1-5, 8-16 and 18-27 have been finally rejected and are the subject of this appeal.

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Date of Deposit: June 22, 2004
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Rebecca R. Ginn

IV. STATUS OF AMENDMENTS

All amendments are believed to have been entered.

V. SUMMARY OF THE INVENTION

Through interaction between a service provider and a retail vendor, a processor-based system at a customer's home or other location may be advantageously operated to facilitate the interests of the customer and the retail vendor. The customer may be asked to provide information to the service provider, who is independent from the retail vendor, to customize the options afforded to the customer on the customer's processor-based system. The service provider provides Internet services to the customer on behalf of the retail vendor. In return for those services, the customer is requested to first receive content related to the products or services of the retail vendor before accessing the Internet services from the service provider. Specification, at page 3, line 18 through page 4, line 4.

Thus, the service provider may provide a series of graphical user interfaces which include content related to the retail vendor such as advertisements and in addition obtains information from the customer to further customize the options made available to the customer. By simplifying each graphical user interface to a limited number of selections, the ease of use of the interface may be greatly facilitated. Specification, at page 4, line 5 through line 12.

In this way, the retail vendor is afforded a preferred link to an individual customer. The customer receives simple-to-use Internet services and access to customized information related to the retail vendor. In some cases, the service provider may be able to provide the customer with a processor-based system at a reduced cost. Specification, at page 4, line 13 through line 18.

Referring to Figure 1, a system 10 for remotely managing and controlling a plurality of consumer appliances, such as the client system 12, includes a service provider 16 and one or more web servers 18 coupled over the Internet 14. A consumer may use the home-based client system 12. The service provider 16 in the form of a server processor-based system may control the system 10 in accordance with one embodiment of the present invention. Each web server 18 may be associated with a different retail vendor. As used herein, a retail vendor is an entity that provides products or services to consumers. Each retail vendor may arrange for a service provider 16 to provide remote management and control of a number of client systems 12 in accordance with one embodiment of the present invention. Specification, at page 4, line 19 through page 5, line 7.

Referring to Figure 1A, the service provider 16 may provide a large number of consumers 13 with personalized service 11 through a client system 12. This personalized service 11 may be provided by obtaining information from the consumer 13 about the consumer's preferences. Based on that information, the service provider 16 can provide information to the consumer 13 that is modified or tailored to reflect that consumer's preferences. Specification, at page 5, line 8 through line 15.

At the same time, the consumer 13 may allow the service provider 16 to control the consumer's client system 12. This control may include providing user interfaces that provide targeted information about a particular retail vendor. Moreover, the control may limit the options that the consumer must consider. Therefore, a relatively close association may be achieved between a retail vendor 19 and a consumer 13 as a result of the services provided by the service provider 16. Ideally, the service provider 16 may develop a close relationship between the retail vendor 19 and a plurality of consumers 13 by providing personalized, dedicated service

to each consumer 13 through his or her client system 12. Specification, at page 5, line 16 through page 6, line 2.

Under appropriate privacy guidelines, the consumer 13 may provide information to a secure service provider 16 that utilizes the information to provide dedicated information and services to the consumer. The information and services may be customized in accordance with the customer's preferences received by the service provider 16 in confidence. In one embodiment of the present invention, this information may not be provided to the retail vendor 19. Instead, the retail vendor 19 uses the service provider 16 as a proxy to provide the dedicated services. The consumer 13, who may have a high degree of confidence in the service provider 16, may feel secure that the information provided to the service provider 16 will not be misused. Specification, at page 6, line 3 through line 16.

At the same time, the service provider 16 may provide similar, but separately customized services, for any number of retail vendors 19. Each of those vendors 19 may operate a web site using a web server 18 and each of those vendors may provide different services and products to consumers 13. Specification, at page 6, line 17 through line 22.

Turning next to Figure 2, an exemplary graphical user interface 20 supported by the client system 12 may be sponsored by a retail vendor 19, such as Brick & Mortar Retailers, Inc. as indicated at 22. In fact, the interface 20 may be provided by the service provider 16 on behalf of the retail vendor 19. The interface 20 may appear upon power up and booting of the client system 12. The interface 20 may pose a request to a particular user who responds by entering his or her name, for example by mouse clicking on an appropriate icon 26. The service provider 16 may already be aware of the family members of a particular family. However, it may be useful, in each case, to know which particular family member is logging onto the system 10. This

facilitates the targeting of information not only for a particular family but also to particular members of the family. In the illustrated example, the father, Paul, has clicked on the icon 26a using the mouse cursor 28. Specification, at page 7, line 22 through page 8, line 13.

The interface 30 is displayed, as shown in Figure 3, in response to Paul's input. The interface 30 is customized to the preferences of the user named Paul as indicated at 32. The user is then asked to choose a selection as indicated at 34. Potential user selections may be displayed as an icon 36a for making a purchase, an icon 36b for requesting information, icon 36c for viewing a catalog, an icon 36d for using a store locator or an icon 36e for selecting an unlisted choice. Selection of any of the icons 36a, 36b, 36c or 36d may automatically send the consumer to the retail vendor's web site served by a web server 18. The interface 30 may also provide a help button 38. Specification, at page 8, line 14 through line 26.

In addition, targeted advertising such as banner advertising 39 may be provided on the interface 30. Knowing that Paul has logged on and knowing the particular family, the system 10 may provide advertising that is targeted to the active user. Since the system 10 knows that Paul has purchased tools in the past, Paul may be advised by a banner advertisement 39 of a special on tools. The system 10 may know the family circumstances, spending habits, available credit and other information. The available information may be compiled to select advertising that most fits the needs and interests of the active user. Specification, at page 9, line 1 through line 11.

In the embodiment illustrated in Figure 3, the system 10 is dedicated to the purposes of a retail vendor 19. Thus, the icons 36 primarily offer information pertinent to that retail vendor 19. If the user wishes to obtain information not related to the retail vendor 19, the user must select

the other icon 36e to obtain the interface 40 shown in Figure 4. Specification, at page 9, line 12 through line 18.

From the interface 40, the user can select an icon 44a to access a particular Internet site, an icon 44b to conduct an Internet search, an icon 44c to receive e-mail and an icon 44d to send e-mail. Each of the icons 44 is intended to provide a specific and clear function, making the use of the client system 12 appliance-like in its simplicity. Specification, at page 9, line 19 through line 25.

As illustrated in Figures 2 through 4, the client system 12 is effectively controlled by the service provider 16 and software on the client system 12. The user is not free to immediately select any Internet site but instead must peruse a series of interfaces 20 and 30, controlled by the system 10, to reach the "other" interface 40. Thus, at least initially, the system 10 controls what information may be viewed and how the user interacts with the client system 12. Specification, at page 10, line 8 through line 16.

Referring next to Figure 5, selection of the help button 38 (Figure 3) generates the interface 50 in accordance with one embodiment of the present invention. The user may be asked, through the interface 50, to indicate a selection. The user may report a client system 12 problem by selecting the icon 54a. When the user selects the icon 54a, a report may be provided to the service provider 16 about the problem. A dedicated port may be provided to the client system 12 so that the service provider 16 may diagnose the problem. Specification, at page 10, line 17 through line 26.

Ideally, the service provider 16 may remotely manage the client system 12 to overcome the problem. In some embodiments of the present invention, the service provider 16 is responsible for maintaining the client system 12 in working order. As a result, the service

provider 16 may control the user's ability to add additional hardware or software to the client system 12. This ensures that the client system 12 runs as intended and reduces the possibility of unexpected software or hardware problems. Specification, at page 11, line 1 through line 9.

By clicking on the icon 54b, the user may receive guidance on how to use the various graphical user interfaces. In addition, the user may be offered an opportunity to alter some system settings as indicated in icon 54c. However, in one embodiment of the present invention, the user may alter backgrounds, type fonts and the like. However, the user can not alter the content of the interfaces that are controlled by the service provider 16. That is, in order to access information (and in fact to use the system 10), in one embodiment of the present invention, the user must progress through a series of graphical user interfaces dictated by the service provider 16 and its interaction with the client system 12. As in the case of the interfaces 20, 30 and 40, the interface 50 may also include a targeted advertisement 56. Specification, at page 11, line 10 through line 24.

When the user selects the access the Internet site icon 44a (Figure 4), the graphical user interface 60, shown in Figure 6, is provided to facilitate accessing a known Internet site. In this case, directions are provided, as indicated in 62, to facilitate the entry of the web site's address. For example, the user may only be asked to enter a portion of the uniform resource locator in the window 64 to facilitate that entry. A help button 38 may be provided as well. Again, targeted advertising in the form of a banner ad 66 may be included. In this way, the user gets relatively simple on screen directions to implement one specific function. Specification, at page 11, line 25 through page 12, line 10.

The software 1060 for setting up the client system 12, shown in Figure 10, in accordance with one embodiment of the present invention, begins by requesting the names of the intended

users of the client system 12 (block 1062). The client system 12 generates a set up graphical user interface for each named user as indicated in block 1064. Thereafter, the client system 12 iterates through each user to request user preferences as indicated in block 1066. Specification, at page 13, line 24 through page 14, line 5.

In one embodiment of the present invention, the first user to use the client system 12 may be asked to provide the preferences for the other users. Alternatively, as each user logs on, that user may be asked to enter his or her own preferences in order to gain access to the services provided by the service provider 16. Specification, at page 14, line 6 through line 11.

In one embodiment of the present invention, the client system 12 forwards the preferences to the service provider 16 as indicated in block 1067. This may be done by creating a link to the service provider 16 over the Internet 14. Alternatively, the information may be forwarded over a back channel such as a telephone link. For example, the telephone link may be through a one eight hundred number so that the call does not in any way effect the consumer's telephone bill. Specification, at page 14, line 12 through line 20.

Once the preferences have been forwarded to the service provider 16, the client system 12 may receive graphical user interfaces for each user based on his or her preference indications, as indicated in block 1068. In other embodiments of the present invention, the graphical user interfaces may be resident on the client system 12. Specification, at page 14, line 21 through line 26.

The client system 12 also receives a user code for correlating user activities to each particular user as indicated in block 1069. User activities include the gamut of activities that the user may undertake on the system 12. A log of each item that was selected by the particular user may be compiled. This information, correlated to the user's code and to a client system 12 code,

may be provided at appropriate intervals to the service provider 16. This information may be further utilized for a variety of purposes including improving the targeting of advertising materials for each particular user. Specification, at page 15, line 1 through line 11.

On the service provider 16 side, the software 1170, shown in Figure 11, is responsible for initiating a particular user. The service provider 16 may receive the user's name, the client system 12 identifier and the user's preferences as indicated in block 1172. This information may be stored on a storage 15 (Figure 1) in accordance with one embodiment of the present invention. A database may also be consulted to select the appropriate user modifications based on the preferences provided by the particular user of the client system 12, as indicated in block 1174. Specification, at page 15, line 12 through line 22.

VI. ISSUES

A. Is Claim 1 Obvious Over Netsurfer in View of ZipLink?

VII. GROUPING OF THE CLAIMS

For purposes of this appeal, all of the claims may be grouped with claim 1.

VIII. ARGUMENT

All claims should be allowed over the cited references for the reasons set forth below.

A. Is Claim 1 Obvious Over Netsurfer in View of ZipLink?

The office action contends that the Erickson article teaches controlling the ability of the customer to add software or hardware to a processor-based system used by the customer to access Internet services. However, nothing in the article is cited in supported thereof. It is

respectfully submitted that nothing is cited because there is no support within the article for the proposition asserted only in the office action. The discussion within the article of configuring the desktop application and preventing the user from getting to email or Internet without using the desktop program does not teach controlling the ability to add or remove software. It has nothing to do with adding or removing software. It is respectfully submitted that there is nothing in the article to support the rejection and, therefore, the rejection fails to set forth a *prima facie* rejection.

IX. CONCLUSION

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: June 22, 2004

Timothy N. Trop
Registration No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024-1805
713/468-8880 [Phone]
713/468-8883 [Fax]

APPENDIX OF CLAIMS

1. A method comprising:

providing Internet services to a customer through a service provider on behalf of a retail vendor;

receiving information about the customer's preferences;

providing advertising based on the customer's preferences;

controlling the ability of the customer to add software or hardware to a processor-based system used by the customer to access the Internet services.

2. The method of claim 1 further including obtaining the identity of the customer and customizing the content provided to the customer based on the customer's identity.

3. The method of claim 1 wherein providing said services includes controlling the initial graphical user interface displayed after booting of the system.

4. The method of claim 3 including providing confidential information to said service provider instead of said retail vendor.

5. The method of claim 3 including providing the customer with a predefined set of selections.

Claims 6 and 7 (Canceled).

8. The method of claim 1 including receiving information about the customer's preferences on a processor-based system coupled to said service provider over the Internet, forwarding said customer preferences to said service provider, causing said service provider to customize the content provided to the customer based on said information and forwarding said customized content to said processor-based system.

9. The method of claim 1 including automatically directing said customer to a server associated with said retail vendor when said customer wishes to obtain a product or service offered by said retail vendor.

10. The method of claim 1 including requiring the customer to view at least two graphical user interfaces including advertising related to said retail vendor before accessing said Internet services.

11. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

provide Internet services to a customer through a service provider on behalf of a retail vendor;

receive information about a customer's preferences;

provide advertising based on the customer's preferences;

control the ability of the customer to add software or hardware to the processor-based system.

12. The article of claim 11 further storing instructions that enable the processor-based system to obtain the identity of the customer and customize the information provided to the customer based on the customer's identity.

13. The article of claim 11 further storing instructions that enable the processor-based system to control the first and the second graphical user interfaces displayed after booting of said system.

14. The article of claim 13 further storing instructions that enable the processor-based system to provide confidential information to said service provider instead of said retail vendor.

15. The article of claim 13 further storing instructions that enable the processor-based system to provide the customer with a predefined set of selections.

16. The article of claim 11 further storing instructions that enable the processor-based system to enable said service provider to provide remote maintenance for said processor-based system and to control the software and hardware added to said system.

Claim 17 (Canceled).

18. The article of claim 11 further storing instructions that enable said processor-based system to receive said customer's preferences, forward said customer preferences over the Internet to said service provider, and receive customized content from said service provider over the Internet.

19. The article of claim 11 further storing instructions that enable a processor-based system to include automatically directing said customer to a server associated with said retail vendor when said customer wishes to obtain a product or service offered by said retail vendor.

20. The article of claim 11 further storing instructions that enable a processor-based system to require the customer to view at least two graphical user interfaces including advertising related to said retail vendor before accessing said Internet services.

21. A system comprising:

a processor; and

a storage coupled to said processor, said storage storing instructions that, if executed, enable the processor to obtain Internet services through a service provider on behalf of a retail vendor, receive information about preferences, provide advertising based on the

customer's preferences, and prevent the customer from adding software or hardware to the system.

22. The system of claim 21 wherein said storage further stores instructions that enable said system to obtain the identity of a customer using the system and customize the information provided to the customer based on the customer's identity.

23. The system of claim 21 wherein said storage further stores instructions that enable said system to control an initial graphical user interface displayed after booting said system.

24. The system of claim 23 wherein said storage further stores instructions that enable said system to control two graphical user interfaces displayed on said system after booting.

25. The system of claim 24 wherein said storage further stores instructions that enable said system to prevent the two graphical user interfaces from being changed.

26. The system of claim 21 including an interface for coupling said system to a server over the Internet, and said storage further storing instructions that enable said system to receive said preferences, forward said preferences over the Internet to said server and receive customized content from said server over the Internet.

27. The system of claim 21 including a unitary housing and a display, said display being mounted in said unitary housing, said unitary housing further storing said processor and said storage.

Claims 28-35 (Canceled).